

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
US AIRWAYS, INC.,	:	
	:	
Plaintiff,	:	
	:	11 Civ. 2725 (LGS)
-against-	:	
	:	<u>ORDER</u>
	:	
SABRE HOLDINGS CORP., et al.,	:	
	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:		

WHEREAS, on April 8, 2022, the parties submitted their Second Amended Exhibit Lists, which included over a thousand proposed exhibits. (Dkt. No. 1164.)

WHEREAS, the Court's February 18, 2022, Order set a time limit of 32 hours per side "for opening statements and all testimony, including direct, cross, redirect and any time counsel is speaking. Redirect generally will not be permitted except in unusual circumstances." (Dkt. No. 1086.)

WHEREAS, the Court is unable to sort Sabre's Second Amended Exhibit List by "Objection Code."

WHEREAS, the final pretrial conference is scheduled to take place on April 19, 2022. It is hereby

ORDERED that the parties' application to exclude opening statements from their allotted time is denied. To assist with planning their opening statements the parties are advised that, prior to opening statements, (1) the Court will deliver a preliminary substantive charge briefly stating the elements of the causes of action and (2) outside the jury's presence, will admit into evidence exhibits as to which there is no objection or for which the objection was overruled prior

to trial. Prior to the final pretrial conference, the Court will distribute the preliminary substantive charge for discussion at the conference. It is further

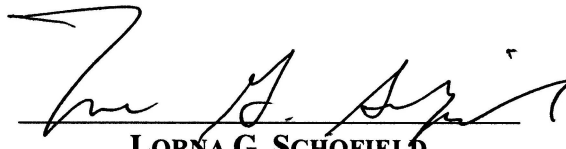
ORDERED that, by **April 12, 2022**, Sabre shall email to the Chambers email address a version of its Second Amended Exhibit List which allows sorting of each column, e.g., by “Objection Code.” It is further

ORDERED that no later than **April 14, 2022, at 9:00 a.m.**, the parties shall update the lists of proposed exhibits to (i) remove any duplicative exhibits using only the exhibit of whichever party first introduces the exhibit into evidence; (ii) remove any exhibits that are inadmissible in light of the Court’s orders on the motions in limine; (iii) remove any exhibits that the parties are not reasonably likely to use at trial, considering the time necessary to have disputed exhibits admitted, and to have admitted exhibits published and or/explained to the jury, all of which is deducted from the allotted time; and (iv) remove any indications of objections that have been resolved so that all listed objections require rulings (e.g., all MIL references should be removed, either because the MIL ruling excluded the document and it should not appear on the list, or the MIL ruling did not exclude the document). The parties shall email the revised exhibit lists to the Chambers email address in Excel format and file the lists in PDF format. It is further

ORDERED that by **April 14, 2022, at 9:00 a.m.**, each party (i.e., Sabre and US Airways) shall identify 5-10 separate exhibits as to which that party objects that are representative of other exhibits as to which that party objects, so that the Court may rule on admissibility. The Court’s rulings will permit the parties to determine the admissibility of the other similarly situated exhibits. The parties shall submit a cover letter identifying each exhibit and explaining the basis for objection. The side seeking admission of the exhibit may respond at the April 19, 2022, conference. It is further

ORDERED that, as in the prior trial, the parties shall agree on the percentage allocation of time to be deducted from that party's allotted time for any witness presented by recorded deposition testimony.

Dated: April 11, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE